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January 13, 1999

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Secretary
Federal Communications Commission
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92-105

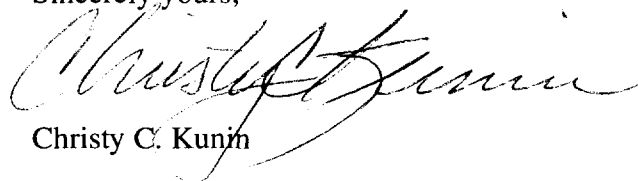
Re: Abbreviated Dialing Ad Hoc Working Group Report,
NSD No. L-98-139, 92-105

Dear Ms. Salas:

Pursuant to the Federal Communication Commission's public Notice DA-982541, dated December 14, 1999, enclosed please find an original and four (4) copies of MCI WorldCom's comments in the above referenced proceeding. Please date-stamp the enclosed "Receipt" stamp copy and return with the messenger.

Please do not hesitate to contact me at (202) 955-6300 with any questions regarding this filing.

Sincerely yours,


Christy C. Kunin

Attorney for MCI WorldCom, Inc.

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
The Report and Recommendations of the)	NSD File No. L-98-139
Abbreviated Dialing Ad Hoc Working)	
Group of the North American Numbering)	CC Docket No. 92-105
Council (NANC) Regarding Abbreviated)	
Dialing Arrangements)	

COMMENTS OF MCI WORLDCOM, INC.

MCI WorldCom, Inc. ("MCI WorldCom"), by its attorneys, submits these comments in the above referenced proceeding pursuant to the Common Carrier Bureau's Public Notice¹ seeking comment on the Report of North American Numbering Council ("NANC") Abbreviated Dialing Ad Hoc Working Group ("Working Group").²

Nearly two years ago, the Commission directed the NANC to "explore how rapidly abbreviated dialing arrangements could be deployed and to report back to the Commission on this issue."³ Rather than discharging its Commission-ordered responsibilities, the ILEC- and wireless-dominated Working Group dragged its feet, ultimately ignoring the Commission's conclusions in order to render its own self-interested assessment that there was no need to establish uniform national abbreviated dialing arrangements. As a result, in the time since the Commission sought further industry exploration of abbreviated dialing, little if any forward progress has been made in this area. MCI WorldCom therefore urges the Commission to explicitly direct NANC to develop national abbreviated dialing guidelines on an expedited and

¹ *Public Notice*, DA 98-2541 (Comm. Carr. Bur. rel. Dec. 14, 1998).

² Report and Recommendations of the Abbreviated Dialing Ad Hoc Working Group to the North American Numbering Council (NANC) Regarding Abbreviated Dialing Arrangements (Sept. 23, 1998) ("Report").

³ *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, First Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd. 5572, CC Docket 92-105, FCC 97-51 at ¶¶ 61, 87 (1997) ("N11 Order").

balanced basis, and to open a Notice of Proposed Rulemaking (“NPRM”) to establish rules necessary to fully implement uniform national abbreviated dialing arrangements

The Report—filed with the Commission on September 29, 1998, over a year and a half after the Commission ordered NANC to explore “rapid” implementation of national abbreviated dialing alternatives—utterly fails to provide a basis for implementing abbreviated dialing for the “many useful purposes” envisioned by the Commission.⁴ Despite the extensive passage of time since the Commission’s order, and despite repeated urging by the Working Group’s minority members, including MCI WorldCom, no serious inquiry into the issues of development, implementation and timeframes for achieving national abbreviated dialing was ever undertaken by the Working Group. Instead, the Report is a thinly-veiled effort to preserve the numbering status quo to the exclusive advantage of monopoly providers in contravention of both the Communications Act and this Commission’s consistent policy of equitable, nondiscriminatory access to numbering resources.

INTRODUCTION

MCI WorldCom participated in the Abbreviated Dialing Ad Hoc Working Group with the full intention of identifying a national abbreviated dialing format available for ubiquitous deployment, uniform assignment, and generic utilization by all service providers as directed by the Commission in the N11 Order.⁵ The Working Group, however, never realized this objective because the membership participation by carriers interested in delaying national abbreviated dialing formats stacked the deck against any useful activity by the Working Group. As a result, there was little to no significant exploration of, nor any useful conclusions regarding, the cost, timeframe, assignment or feasibility of implementing national abbreviated dialing arrangements.

⁴ *Id.* ¶ 61.

⁵ *Id.*

In fact, the self-interested conclusions regarding N11 are not only outside the purview of the Working Group, but amount to legal conclusions regarding N11 assignments that appropriately rest solely with the Commission. Accordingly, the Commission should direct NANC to implement abbreviated dialing with renewed vigor and should open a NPRM to establish uniform, national abbreviated dialing arrangements.

DISCUSSION

I. THE REPORT DOES NOT REPRESENT AN INDUSTRY CONSENSUS BUT RATHER FURTHERS THE INTERESTS OF CERTAIN INDUSTRY SEGMENTS DOMINATING THE WORKING GROUP

It is critical that the Commission recognize that the Report does not represent an industry consensus, and instead sets forth the self-interested views of a limited segment of the telecommunications industry. A review of the Working Group members reveals that the vast majority of Working Group participants are either ILECs or wireless carriers.⁶ Only a small minority of the membership sought to earnestly explore uniform national abbreviated dialing possibilities and propose a national abbreviated dialing format that would maximize the limited numbering resource in support of competition. A cursory review of the Report reveals that the Working Group was dominated by ILECs, wanting to restrict development of new dialing formats in order to preserve their monopoly use of those dialing arrangements, and by wireless carriers, seeking to ensure continued, exclusive use of wireless-only abbreviated dialing formats.⁷ Because implementation of national or regional abbreviated dialing could interfere with these carriers' existing monopoly use of these codes, many of the Report's conclusions

⁶ Report, App. C.

⁷ These carriers currently use potential abbreviated dialing arrangements for intranetwork applications and vertical service code ("VSC") activation/deactivation. See Report at 9-10, 11-12; Minority Opinion of MCI WorldCom at 29-30, 32-33.

simply serve to further these carriers' interests. The Commission should therefore accord very little credence to these conclusions.

In order to forestall or prevent interference with their existing exclusive use of abbreviated dialing, the ILEC/wireless carriers concluded—with no objective basis or analysis, and despite the value they attach to such schemes in their own networks—that there was no demand for a national abbreviated dialing scheme.⁸ Interestingly, the Working Group reached this conclusion even while it “acknowledges little is known about these potential services/applications and their specific attributes.”⁹

Not only does this assertion directly contradict the Commission's conclusion—based on broader and more balanced industry comment—that “[t]he record shows that there is considerable interest in alternative abbreviated dialing arrangements,”¹⁰ it also conflicts with ILEC experience. For instance, BellSouth believes that there would be demand by payphone users for an abbreviated dialing application.¹¹ Moreover, simply because the ILECs have not successfully deployed abbreviated dialing applications at the local level in no way indicates that other service providers would not develop creative and popular abbreviated dialing alternatives if such a resource were nationally available. Indeed, any such assumption undermines a basic tenet of competition: more competitors lead to innovation and expanded consumer options. Presumably, this was a basis for the Commission's conclusion that “abbreviated dialing could *clearly* serve many useful purposes.”¹²

The assumption that there is little demand for abbreviated dialing clearly demonstrates that incumbents want it both ways. On the one hand, they seek to restrict competitive service

⁸ Report at 3, 17.

⁹ *Id.* at 8.

¹⁰ N11 Order ¶ 60.

¹¹ MCI WorldCom Minority Opinion at 29-30, 32-33.

providers from the opportunity to partake in a nationally administrated abbreviated dialing scheme by convincing the Commission that demand does not exist. At the same time, they are actively promoting new abbreviated dialing service offerings within their own regions and for their own customers. This is simply another instance of ILECs using their monopoly position to favor their interests and restrict the access of competing service provider customers.

After determining that there was no demand, the Working Group concluded that even were a national scheme to be implemented, ILEC/wireless pre-existing uses should be preserved. This determination made it virtually impossible to select a uniform national format due to the competing and conflicting intranetwork uses of such codes by the ILECs/wireless carriers. For example, without giving serious consideration to the proposals of LowTech, the Working Group determined that “*” codes should remain exclusively for use with VSCs.¹³ Likewise, the Working Group failed to recommend implementation of any particular “#” format because each alternative (leading, trailing or both) would necessarily interfere with a pre-existing use.¹⁴ As a result of the ILEC and wireless carriers’ desire to ensure their continued exclusive use of abbreviated dialing formats, the Working Group’s hands were effectively tied and no substantial technical recommendations were developed.

Finally, although the Commission explicitly ordered NANC to “explore how rapidly abbreviated dialing arrangements could be deployed”¹⁵ virtually no attention was paid to this issues, and little if any vendor/supplier participation was sought by the Working Group. First, no vendors were among the standing membership of the Working Group. Second, vendor/supplier

¹² N11 Order ¶ 61 (emphasis supplied).

¹³ Report at 11; LowTech Minority Opinion at 22.

¹⁴ Report at 13 (leading # directly conflicts with wireless intranetwork applications); *id.* at 12 n.9, 13 (trailing # conflicts with GSM wireless networks service activation/deactivation); *id.* at 14 (leading and trailing # have same conflicts).

¹⁵ N11 Order ¶¶ 61, 87.

opinions were half-heartedly solicited only toward the end of the Working Group's efforts.¹⁶ As a result, the Report's comments on this issue shed very little light on the actual implementation timeframes required to enable nationwide abbreviated dialing.

Thus, due to the deficiencies in the ad hoc working group, substantial work remains in order to implement national abbreviated dialing. Despite this lack of progress, MCI WorldCom agrees with the Commission that national abbreviated dialing arrangements could serve "many useful purposes" and should be implemented as rapidly as possible. To expedite this effort, MCI WorldCom recommends that the Commission explicitly direct NANC, through a balanced industry working group that includes representation by all appropriate industry segments, to rapidly develop national abbreviated dialing guidelines. In addition, the Commission should open a NPRM to establish rules to fully implement uniform national abbreviated dialing arrangements.

II. THE WORKING GROUP'S REPORT INAPPROPRIATELY SEEKS TO LIMIT THE USES OF ABBREVIATED DIALING

MCI WorldCom strongly disagrees with the Working Group's conclusions that would limit the use of abbreviated dialing. The Report states that:

[T]he Working Group is in agreement relative to uses for which these multinet network abbreviated arrangements should NOT be used. These include POTS, either residence or business, which currently use a ten digit address dialable on a seven or ten digit basis, and carrier access, which uses four digit CICs and an associated seven digit access dialing arrangement in the form 101XXXX In addition the Working Group concluded that nationally defined abbreviated dialing formats should not be available for speed calling arrangements offered in PBXs or as switched based services.¹⁷

To the contrary, MCI WorldCom does not believe that it is appropriate to summarily limit the manner in which abbreviated dialing arrangements would be used by carriers. The basis

¹⁶ LowTech Minority Opinion at 23.

¹⁷ Report at 7-8.

for these limits—“[t]he Working Group believes the use of an abbreviated format of, for example, four digits would quickly exhaust if it were available for POTS and/or carrier access applications”¹⁸—completely contradicts the Working Group’s conclusion that there is or would be no demand for such abbreviated dialing arrangements.¹⁹ Indeed, it is directly contrary to the very uses that some ILECs are already using abbreviated dialing for in the local jurisdictions.²⁰

MCI WorldCom also objects to the Working Group’s assumption and recommendation that abbreviated dialing only be used for information services.²¹ Abbreviated dialing arrangements should be available to all service providers,²² including for uses such as carrier access. BellSouth’s #1 payphone service is an example of a carrier access application.²³ This assumption unduly limits the potential users of a national abbreviated dialing format. It is inappropriate for the Commission to accept the recommendation of one industry segment to limit the use of abbreviated dialing to other industry segments without any legitimate basis.

III. THE WORKING GROUP’S IDENTIFICATION OF “ALTERNATIVES” IS NOT ONLY IRRELEVANT BUT MISLEADING

To bolster its self-serving conclusion that there is no demand for national abbreviated dialing arrangements, the Report identifies and proposes that information service providers should avail themselves of existing numbering resources, such as 900 SAC, 976 NXX, and 555 NXX numbers.²⁴ The reference to existing numbering resources is both flawed and irrelevant. As discussed above, use of abbreviated dialing should be open to all carriers, not just ISPs that would have access to the “alternative” numbering schemes identified in the Report.

¹⁸ *Id.*

¹⁹ *Id.* at 3, 17.

²⁰ See, e.g., MCI WorldCom Minority Opinion at Attachment (describing BellSouth’s “#1” service as a “simpler” and “more convenient” “dial around service”).

²¹ Report at 7, 9.

²² MCI Minority Opinion at 30; accord LowTech Minority Opinion at 24 §5.2.

²³ See MCI Minority Opinion at 32-33.

²⁴ Report at 9, §5.6.

More importantly, while the industry assigned 555 numbers to support information services, these numbers have never been made truly available. ILECs have not provided an access service arrangement to support this service. Further, it appears that a regulatory mandate is necessary to force ILECs to offer an access arrangement that can be used to support the use of 555 NXXs for information services. Indeed, GTE has stated that it has no intention of implementing 555 access arrangements for other service providers. Thus, without a Commission order, the 555 NXX resource will never be fully utilized nor should it be considered a viable alternative for a uniform national abbreviated dialing format.

Finally, such numbering resources, even when actually available, are not abbreviated dialing arrangements as understood by the industry or even as defined in the Report. As a result, even if they were truly available, they cannot and should not take the place of a uniform nationally administered abbreviated dialing format. Accordingly, MCI urges the Commission to order ILECs to immediately provide a access service arrangements to support 555 service. Only then will such arrangements be truly available.

IV. THE WORKING GROUP INAPPROPRIATELY CONCLUDED THAT N11 ASSIGNMENTS SHOULD BE FOR SERVICE GATEWAYS

Despite the Commission's directive to examine "non-N11 abbreviated dialing arrangements," the Working Group majority nevertheless undertook to render its opinion on N11 issues. As with many of the Report's recommendations, the determinations on N11 issues do not reflect industry consensus and are inconsistent with settled Commission policy.

MCI WorldCom strongly disagrees with the Report's conclusion "that any use associated with [N11] code[s] should provide a 'service gateway' capability, linking an end user with a generic application available from any number of service providers."²⁵ The conclusion is not

²⁵ *Id.* at 10.

based on a comprehensive or objective review of the appropriate use of the remaining unassigned N11 codes. Instead, the conclusions aim to preserve existing and illegal local N11 uses by monopoly carriers. As MCI WorldCom demonstrated in its reply comments on the Alliance of Information and Referral Systems (“AIRS”) petition for nationwide assignment of the 211 dialing code, maintaining the status quo preserves ILECs’ exclusive use of N11 resources in contravention of sections 251(e), 251(b)(3)²⁶ that require that numbering resources be assigned “equitably” to all carriers and that ILECs must make “dialing parity” available for competitors.²⁷ The Act therefore precludes carrier-specific numbering services that use public NANP numbers that cannot be dialed by customers of other carriers. Thus, the recommendation seeks to preserve existing commercial services that contravene the Act and the N11 Order.²⁸

The upshot of the Working Group’s report on N11 is that it is not doing the technical job it was tasked by the Commission and is making legal conclusions it has no business rendering. Thus, the Commission should disregard the Working Group’s recommendations on N11 and, as MCI WorldCom suggested in the Commission’s proceeding on the AIRS petition, “should release an NPRM proposing a comprehensive framework for administration of N11 codes and other abbreviated dialing arrangements.”²⁹

²⁶ See 47 U.S.C. §§ 251(e), 251(b)(3).

²⁷ Reply Comments of MCI WorldCom at 8, File No. NSD L-98-80, DA 98-1571 (filed Oct. 5, 1998).

²⁸ *Id.*

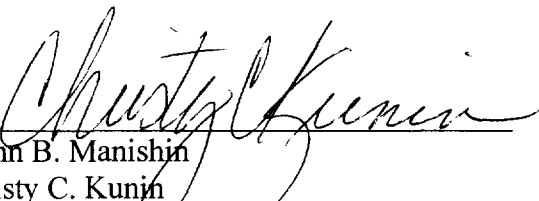
²⁹ *Id.*

CONCLUSION

MCI WorldCom respectfully requests that the Commission (1) explicitly direct NANC to develop national abbreviated dialing guidelines, (2) open a NPRM to establish rules necessary to fully implement uniform national abbreviated dialing arrangements, and (3) direct ILECs to immediately provide access service arrangements to support 555 service.

Respectfully Submitted,

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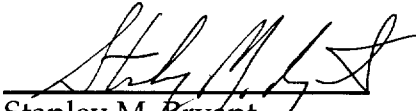
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Dated: January 13, 1999

Counsel for MCI WorldCom, Inc.

CERTIFICATE OF SERVICE

I, Stanley M. Bryant, do hereby certify that the foregoing document was served this 13th day of January, 1999, by messenger, to the following parties listed below:


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